

Via Electronic Mail

February 14, 2005

Federal Trade Commission
Office of the Secretary
Room 159-H (Annex Y)
600 Pennsylvania Ave., N.W.
Washington, DC 20580

Re: Comments on the Proposed Amendment to the Children's Online Privacy Protection Rule ("Sliding Scale 2005, Project No. P054503").

Dear Sir or Madam:

We the undersigned, are parents, or friends of parents, many of whom with children who are active on the Internet. We appreciate the opportunity to provide feedback on the proposed amendment to the Children's Online Privacy Protection Act (COPPA).

The "sliding scale" should be extended until the full review of COPPA, as mandated by Congress, is completed.

The proposed rule change would not be in the best interest of America's children or their parents.

We request extending the "sliding scale" for the following reasons:

1. We have concerns that "e-mail plus" does not, in many cases, result in reliable verification of parental consent.
2. "Internal use" of children's personally identifiable information, is not a "low risk" purpose but can mean a company is developing a customer relationship management (CRM) profile and marketing effort targeted at our children. This is of concern to us as parents and requires the more reliable forms of verification.
3. With the detailed review of COPPA about to begin, questions about the effectiveness of "e-mail plus" and the "sliding scale" should be included as part of the broader review.

Concerns with "e-mail plus" and the "sliding scale"

In short, "e-mail plus" does not -- in too many cases -- result in reliable verification of parental consent. We, as parents, know all too well, there are many children under 13 years of age who are very resourceful and have learned how to "game the system."

Internet savvy kids have the knowledge to falsify their age or fabricate an e-mail message that is allegedly from the parent or guardian. When a website asks for a "parent's" email address to send a message asking for consent, and the child is registering themselves, the

child can easily provide their own home e-mail address or their personal e-mail address without parental involvement.

- In most cases the permission granting e-mail is sent instantly, and the child can merely identify it in the inbox, and click the response. Children can thus act “as if” they are the parent behind the guise of their own email account. It is also difficult to recognize such a confirming email in today’s sea of spam. The “additional step” follow-up email may be missed. Yet many websites count “no response” as “passive consent.”
- In addition, “internal use,” which allows website operators to act under the heretofore temporary and less strict provisions of the sliding scale, is not necessarily a low impact or safe use of children’s personally identifiable information. Instead internal use can represent a comprehensive, customer relationship management effort on the part of companies with a focus on targeted marketing to children. This should concern parents and require the more reliable forms of verification, as intended under the initial COPPA rule.

Conclusion

In conclusion, the current comment period is too brief and allows an insufficient study period for proper evaluation of these important questions. Further study of the effectiveness of e-mail plus is needed. With the full mandated review of the COPPA rule due to begin shortly, the sliding scale must be extended and more fully examined as part of the broader review.

Respectfully submitted,

Mr. and Mrs. Anton and Marilyn Vogel

Additional Signers:

Mr. And Mrs. Carol and Howard Altarescu

Mr. and Mrs. Bruce K. and Barbara Bell

Mr. Chris Call

Mr. and Mrs. Paul and Sandy Cammer

Mr. and Mrs. Anthony and Corinne Carr

Mr. and Mrs. Alex and Sarah Chisholm

Mr. and Mrs. Tom and Cathy Clark

Mr. and Mrs. Raymond and Karen Cohen

Mr. and Mrs. W. D. Crown

Senator and Mrs. Ken Cuccinelli, Virginia State Senate

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Pastor Ralph Weitz

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